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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,080	10/24/2003	Rob Relyea	MS1-1779US	4089
22801 7590 12/27/2007 LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			EXAMINER ANYA, CHARLES E	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/694,080

Applicant(s)

RELYEA ET AL.

Examiner

Charles E. Anya

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3/MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46, 48-52, 59 and 60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46, 48-52, 59 and 60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/9/07.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-46,48-52,59 and 60 are pending in this application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-28,59 and 60 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pub. No. 2001/0045961 to Stoakley et al.**

3. As to claim 1, Stoakley teaches a programming interface for generating a program embodied on one or more computer readable media, comprising instructions that , when implemented by a computing system, cause the computing system to generate: a first group of services for generating graphical components to be include in an application (Application 135) being programmed (“...buttons 200, 202, 204...” page 4 paragraph 0039, “... OK button 200...” page 5 paragraphs 0040/0041); a second group of services for binding properties of a class to a data source within the application being programmed (“... assigning desired properties...” page 2 paragraph 0011, page 2

paragraph 0015, page 6 paragraph 0054); and a third group of services for formatting content within the application being programmed (Drawing APIs 218 page 5 paragraph 0047, "... Drawing APIs... DrawThemeBackground or DrawThemeText..." page 5 paragraphs 0049/0050).

4. As to claim 2, Stoakley teaches a programming interface as recited in claim 1, wherein the first group of services includes a service that determines an appearance of the graphical components ("... change the appearance of controls..." page 5 paragraph 0041, "...allow the appearance of the controls...to be visually changed to better suit the desire of the computer user..." page 5 paragraph 0047).

5. As to claim 3, Stoakley teaches a programming interface as recited in claim 1, wherein the first group of services includes a service that determines a behavior of the graphical components ("...state of a control describes...functional state..." page 5 paragraph 0043, "...DLL 212 to define the controls as a series of ...states..." page 5 paragraph 0050).

6. As to claim 4, Stoakley teaches a programming interface as recited in claim 1, wherein the first group of services includes a service that determines an arrangement of the graphical components ("...location..." page 5 paragraphs 0042/0053).

7. As to claim 5, Stoakley teaches programming interface as recited in claim 1, wherein the first group of services includes a plurality of nested primitive controls that define the graphical components (“...background part and a text part... scrollbar control...rectangular shaft part, a smaller thumb part...” page 5 paragraph 0043).

8. As to claim 6, Stoakley teaches a programming interface as recited in claim 1, wherein the graphical components are defined by vector graphics (“...vector definition language...” page 6 paragraph 0051).

9. As to claim 7, Stoakley teaches a programming interface as recited in claim 1, further comprising a fourth group of services related to animating at least one graphical component (“...cartoon theme, a children’s theme or golf theme...” page 6 paragraph 0052).

10. As to claim 8, Stoakley teaches a programming interface as recited in claim 1, further comprising a fourth group of services related to creating applications having navigation capabilities (“...moving the cursor over the button and clicking on the mouse...” page 1 paragraph 0003, figure 3 page 5 paragraph 0047).

11. As to claim 9, Stoakley is silent with reference to a programming interface as recited in claim 1, further comprising a fourth group of services related to supporting electronic ink processing systems, however, the Examiner would take official notice.

12. As to claim 10, Stoakley teaches a programming interface as recited in claim 1, further comprising a fourth group of services for combining a plurality of different media types (Hard Disk Drive 141/RAM 192 page 4 paragraph 0037).

13. As to claim 11, Stoakley teaches a programming interface as recited in claim 1, further comprising a fourth group of services related to executing applications on a client using a browser-type interface (page 4 paragraph 0039, page 5 paragraph 0049).

14. As to claim 12, Stoakley teaches a programming interface as recited in claim 1, further comprising a fourth group of services related to automatically installing and executing an application ("...dynamically link library (DLL) page 5 paragraph 0041).

15. As to claim 13, Stoakley does not explicitly teach a programming interface as recited in claim 1, further comprising a fourth group of services related to serializing content, however, Stoakley discloses that the computer (Computer 110) may be operated in a networked environment using logical connections like the intranets and internet to one or more remote computers (Remote Computer 180) and as a result would allow its contents to be transmitted across a network between the Computer 110 and the Remote Computer 180. Stoakley's transmission of content across a network between the Computer 110 and the Remote Computer 180 would include content serialization since **serialization** includes the process of preparing/formatting and

transmitting data across a network connection link and the content/data for transmission across a network between the Computer 110 and the Remote Computer 180 has to be formatted for transmission.

16. As to claim 14, Stoakley teaches a programming interface as recited in claim 1, further comprising a fourth group of services related to automating the generation of a user interface ("...dynamically link library (DLL) page 5 paragraph 0041).

17. As to claim 15, see the rejection of claim 1 above.

18. As to claim 16, Stoakley teaches a programming interface embodied on one or more computer readable media, comprising instructions that when implemented cause a computing system to generate: a first group of programming services for formatting content, for inclusion in an application (Application 135) prior to displaying the content (Drawing APIs 218 page 5 paragraph 0047, "...Drawing APIs...DrawThemeBackground or DrawThemeText..." page 5 paragraphs 0049/0050); a second group of programming services for binding properties of a class to a data source ("...assigning desired properties..." page 2 paragraph 0011, page 2 paragraph 0015, page 6 paragraph 0054); and a third group of programming services for generating imaging effects for inclusion in the application (Bitmap Renderer 223 page 6 paragraph 0051).

19. As to claim 17, Stoakley teaches a programming interface as recited in claim 16, wherein the first group of programming services includes arranging a plurality of data elements (“...location...” page 5 paragraphs 0049/0050).

20. As to claim 18, Stoakley teaches a programming interface as recited in claim 16, wherein the third group of programming services includes animating at least one graphical item (“...cartoon theme, a children’s theme or golf theme...” page 6 paragraph 0052).

21. As to claim 19, Stoakley teaches programming interface as recited in claim 16, further comprising a fourth group of programming services for inclusion in the application that allow a user of the application to navigate between a plurality of images (“...moving the cursor over the button and clicking on the mouse...” page 1 paragraph 0003, figure 3 page 5 paragraph 0047).

22. As to claim 20, Stoakley teaches a programming interface as recited in claim 16, further comprising a fourth group of programming services related to editing previously created content included in the application being created (“...appearance of the controls and other component to b visually changed to better suit the desire of the computer user...” page 4 paragraph 0039).

23. As to claim 21, Stoakley teaches a programming interface as recited in claim 16, further comprising a fourth group of programming services for managing input received from an input device ("...user may enter command..." page 4 paragraph 0032, "...appearance of the controls and other component to be visually changed to better suit the desire of the computer user..." page 4 paragraph 0039).

24. As to claim 22, Stoakley teaches a programming interface as recited in claim 16, further comprising a fourth group of services related to enabling interoperability with other computing systems (Remote Computer 180 page 4 paragraph 0033).

25. As to claim 23, Stoakley teaches a computer system including one or more microprocessors and one or more software programs, the one or more software programs utilizing an application program interface to request services from an operating system (Application 135 page 5 paragraphs 0040/0041), the application program interface including separate commands to request services comprising the following groups of services (Libraries 208/210 page 5 paragraphs 0041/0042/0045-0050): a first group of services for generating graphical objects for use in an application being created ("...OK button 200 was requested..." page 5 paragraph 0049); a second group of services for creating components of the graphical objects for inclusion in the created application ("...pass the part, state and location information..." page 5 paragraph 0049); and a third group of services for modifying an appearance of the

graphical objects ("...appearance of the controls and other component to be visually changed to better suit the desire of the computer user..." page 4 paragraph 0039).

26. As to claim 24, Stoakley teaches a computer system as recited in claim 23, wherein the first group of services includes a service for defining a behavior of at least one graphical object in a graphical user interface included in the created application ("...state of a control describes...functional state..." page 5 paragraph 0043, "...DLL 212 to define the controls as a series of ...states..." page 5 paragraph 0050).

27. As to claim 25, Stoakley teaches a computer system as recited in claim 23, wherein the first group of services includes a service for defining arrangement of the graphical objects ("...location..." page 5 paragraphs 0042/0043/0049).

28. As to claim 26, Stoakley teaches a computer system as recited in claim 23, wherein modifying an appearance of the graphical objects includes animating the graphical objects ("...cartoon theme, a children's theme or golf theme..." page 6 paragraph 0052).

29. As to claim 27, Stoakley teaches a computer system as recited in claim 23, wherein the second group of services includes services to generate geometric shapes ("...scrollbar control has an elongated rectangular shaft part..." page 5 paragraph 0043).

30. As to claim 28, Stoakley teaches a computer system as recited in claim 23, wherein the application program interface further includes a fourth group of services for formatting text ("...text part..." page 5 paragraph 0043, "...DrawThemeText..." page 5 paragraph 0049).

31. As to claim 59, Stoakley teaches a programming interface as recited in claim 1, wherein the application is configured to generate a graphical user interface to display graphical components in a selected format ("...examples of renderers..." page 6 paragraph 0051).

32. As to claim 60, Stoakley teaches a programming interface as recited in claim 16, wherein the application is configured to generate a graphical user interface to display graphical components in a selected format ("...examples of renderers..." page 6 paragraph 0051).

33. Claims 29-46 and 48-52 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pub. No. 2001/0045961 to Stoakley et al.

34. As to claim 29, Stoakley teaches a method for programming an application comprising: calling one or more first functions for formatting data for inclusion in an application (Applications 138/139) ("...DrawThemeText..." page 6 paragraphs

0053/0054); calling one or more second functions for creating graphical objects within the application (“...DrawThemeBackground”...” page 6 paragraphs 0053/0054); and calling one or more third functions for changing an appearance of the graphical objects within (“...appearance of the controls to be altered...modification...” page 5 paragraph 0047).

35. As to claim 30, Evans teaches a method as recited in claim 29, further including calling one or more fourth functions to facilitate generating a user interface using a plurality of graphical objects (“...“DrawThemeBackground”...” page 6 paragraphs 0053/0054).

36. As to claim 31, Evans teaches a method as recited in claim 29, further including calling one or more fourth functions to facilitate runtime creation of a user interface (Libraries 208/210 page 5 paragraph 0048).

37. As to claim 32, Evans teaches a method as recited in claim 29, further including: calling one or more fourth functions to facilitate generating a user interface using a plurality of graphical objects (“...“DrawThemeBackground”...” page 6 paragraphs 0053/0054); and calling one or more fifth functions to facilitate runtime creation of the user interface (Libraries 208/210 page 5 paragraph 0048).

38. As to claim 33, Evans teaches a method as recited in claim 29, wherein the first functions facilitate: receiving user input (“...request...” page 5 paragraph 0048, “...requested...” page 6 paragraph 0054, page 9 paragraphs 0082/0083); and arranging data elements on a display (“...location...” page 5 paragraph 0049/0050, “...“GetThemeBackgroundContentRect”...” page 6 paragraph 0054).

39. As to claim 34, Evans teaches a method as recited in claim 29, wherein the second functions facilitate generating geometric shapes (“...“DrawThemeLine”...” page 6 paragraph 0057).

40. As to claim 35, Evans teaches a method as recited in claim 29, wherein the second functions facilitate generating at least one geometric shape (“...“DrawThemeLine”...” page 6 paragraph 0057) and the third functions facilitate modifying an appearance of the geometric shape (“...appearance of the controls to be altered...modification...” page 5 paragraph 0047).

41. As to claim 36, Evans teaches a system comprising: means for exposing a first set of functions that enable creating a plurality of geometric shapes, such that the plurality of geometric shapes are configured for inclusion in an application (Applications 138/139) being generated (Libraries 208/210 page 5 paragraphs 0048/0049/0051-0053, Drawing APIs 218 page 6 paragraphs 0052-0055); means for exposing a second set of functions that enable changing the manner in which the geometric shapes are arranged

(Libraries 208/210 page 5 paragraphs 0048/0049/0051-0053, "...location..." page 5 paragraphs 0049/0050, "...GetThemeBackgroundContentRect..." page 6 paragraph 0054); and means for exposing a third set of functions that enable modifying appearances of the geometric shapes (Libraries 208/210 page 5 paragraphs 0048/0049/0051-0053, "...appearance of the controls to be altered...modification..." page 5 paragraph 0047).

42. As to claim 37, Evans teaches a system as recited in claim 36, wherein the second set of functions further enable arrangement of the geometric shapes on a page to be rendered ("...location..." page 5 paragraphs 0049/0050, "...GetThemeBackgroundContentRect..." page 6 paragraph 0054).

43. As to claim 38, Evans teaches a system as recited in claim 36, wherein the plurality of geometric shapes include a line ("...DrawThemeLine..." page 6 paragraph 0057).

44. As to claim 39, Evans teaches a system as recited in claim 36, wherein the third set of functions further enable associating imaging effects with at least one geometric shape ("...region..." page 6 paragraph 0056).

45. As to claim 40, Evans teaches a system as recited in claim 36, wherein the third set of functions further enable changing an appearance of a particular geometric shape

over a period of time (“...renders the requested control according to an appearance theme that has been selected by the user...for example, cartoon theme, children’s theme or a golf theme...” page 8 paragraph 0075).

46. As to claim 41, Evans teaches a system as recited in claim 36, further comprising means for exposing a fourth set of functions that enable generation of a user interface using the plurality of geometric shapes (Libraries 208/210 page 5 paragraphs 0048/0049/0051-0053).

47. As to claim 42, Evans teaches a system as recited in claim 36, further comprising means for exposing a fourth set of functions that enable associating a graphical object with one or more data sources (“...handle...” page 6 paragraph 0060).

48. As to claim 43, Evans teaches a system as recited in claim 36, further comprising means for exposing a fourth set of functions that enable displaying data-specific versions of graphical objects (“...variety of different themes...” page 3 paragraphs 0022/0033).

49. As to claim 44, Evans teaches a method comprising: calling one or more first functions for creating components of graphical objects (Libraries 208/210 page 5 paragraphs 0048/0049/0051-0053, Drawing APIs 218 page 6 paragraphs 0052-0055); calling one or more second functions for generating graphical objects for inclusion in an

application (Applications 138/139) being programmed (Libraries 208/210 page 5 paragraphs 0048/0049/0051-0053, "...DrawThemeBackground"..." page 6 paragraphs 0053/0054); calling one or more third functions for modifying an appearance of the graphical objects in a display being created for use with the application (Libraries 208/210 page 5 paragraphs 0048/0049/0051-0053, "...appearance of the controls to be altered...modification..." page 5 paragraph 0047); calling one or more fourth functions for arranging the graphical objects (Libraries 208/210 page 5 paragraphs 0048/0049/0051-0053, "...location..." page 5 paragraphs 0049/0050, "...GetThemeBackgroundContentRect"..." page 6 paragraph 0054); and calling one or more fifth functions for associating the graphical objects with data sources ("...handle..." page 6 paragraph 0060).

50. As to claim 45, Evans teaches a method as recited in claim 44, further comprising calling one or more sixth functions to facilitate navigating between a plurality of displays of content (figure 3 page 5 paragraph 0047).

51. As to claim 46, Evans teaches a method as recited in claim 44, wherein the components of the graphical objects include a plurality of shapes (OK Button 200/Cancel Button 202/Apply Button 204 page 5 paragraph 0047).

52. As to claim 48, Evans teaches a method as recited in claim 44, wherein the third functions include functions that modify the appearance of a particular graphical object

(Libraries 208/210 page 5 paragraphs 0048/0049/0051-0053, "...appearance of the controls to be altered...modification..." page 5 paragraph 0047).

53. As to claim 49, Evans teaches method as recited in claim 44, wherein the third functions include functions that modify the appearance of one or more components of a graphical object (Libraries 208/210 page 5 paragraphs 0048/0049/0051-0053, "...appearance of the controls to be altered...modification..." page 5 paragraph 0047).

54. As to claim 50, Evans teaches a method as recited in claim 44, wherein the third functions include functions that move graphical objects to different positions on a display ("...cartoon theme, a children's theme or golf theme..." page 8 paragraph 0075, "...MoveWindow()" page 10 paragraph 0090).

55. As to claim 51, Evans teaches a method as recited in claim 44, wherein the third functions modify an appearance of a graphical object in response to user input ("...request..." page 5 paragraph 0048, "...requested..." page 6 paragraph 0054, page 9 paragraphs 0082/0083).

56. As to claim 52, Evans teaches a method as recited in claim 44, wherein the fourth functions modify an arrangement of graphical objects in response to user input ("...request..." page 5 paragraph 0048, "...requested..." page 6 paragraph 0054, page 9 paragraphs 0082/0083).

Response to Arguments

Applicant's arguments with respect to claims 1-52 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E. Anya whose telephone number is 571-272-3757. The examiner can normally be reached on 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on 571-272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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